

## **REMARKS**

### **Claims**

Claims 1, 2, and 5-29 are pending. Claims 1, 10, 15, 18, 21, 24, 27, and 28 are amended. No new matter has been added.

### **Claim Rejection Under 35 U.S.C. §101**

Claims 1, 2, 5-17, and 21-29 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In light of the suggestion in the Office Action that “the independent claim could be amended such that at least one significant feature (not just data gathering or outputting) of the body of the claims actively uses a technological apparatus (computer, server, processor, etc.)”, Applicants have amended each of independent claims 1, 21, 24, and 27 to recite a central processing unit. Accordingly, Applicants respectfully request that the Section 101 rejection of claims 1, 2, 5-17, and 21-29 be withdrawn.

### **Section 103 Rejection**

Claims 1, 2, and 5-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dandurand (“Market Niche Analysis In the Casino Gaming Industry,” Journal of Gambling Studies, Vol. 6(1), Spring 1990) in view of Sheppard (U.S. Patent No. 6,026,397) in view of Acres (U.S. Patent Application Publication No. 2006/0183529).

Dandurand describes performing a market niche analysis in the casino gaming industry (page 1). To perform the analysis, data was generated through a Las Vegas Visitor Profile Study for the fiscal year 1986 (page 83). The “analysis has limitations” (page 84). The analysis “requires ample time, sufficient resources, substantial research, and heroic data interpretation” (page 84). “Planning staff have many objectives to achieve with limited research budgets” (pages 84-85). “Different analysts produce various interpretations of the data” (page 85). The market niche analysis involves generating a premium niche profile including a plurality of variables such as gender, age, race, marital status, and gambling budget (page 83).

Sheppard describes a data analysis system 10, shown below in Figure 1, that includes a processor 12 and a random access memory 14 (col. 6, lines 26-28).

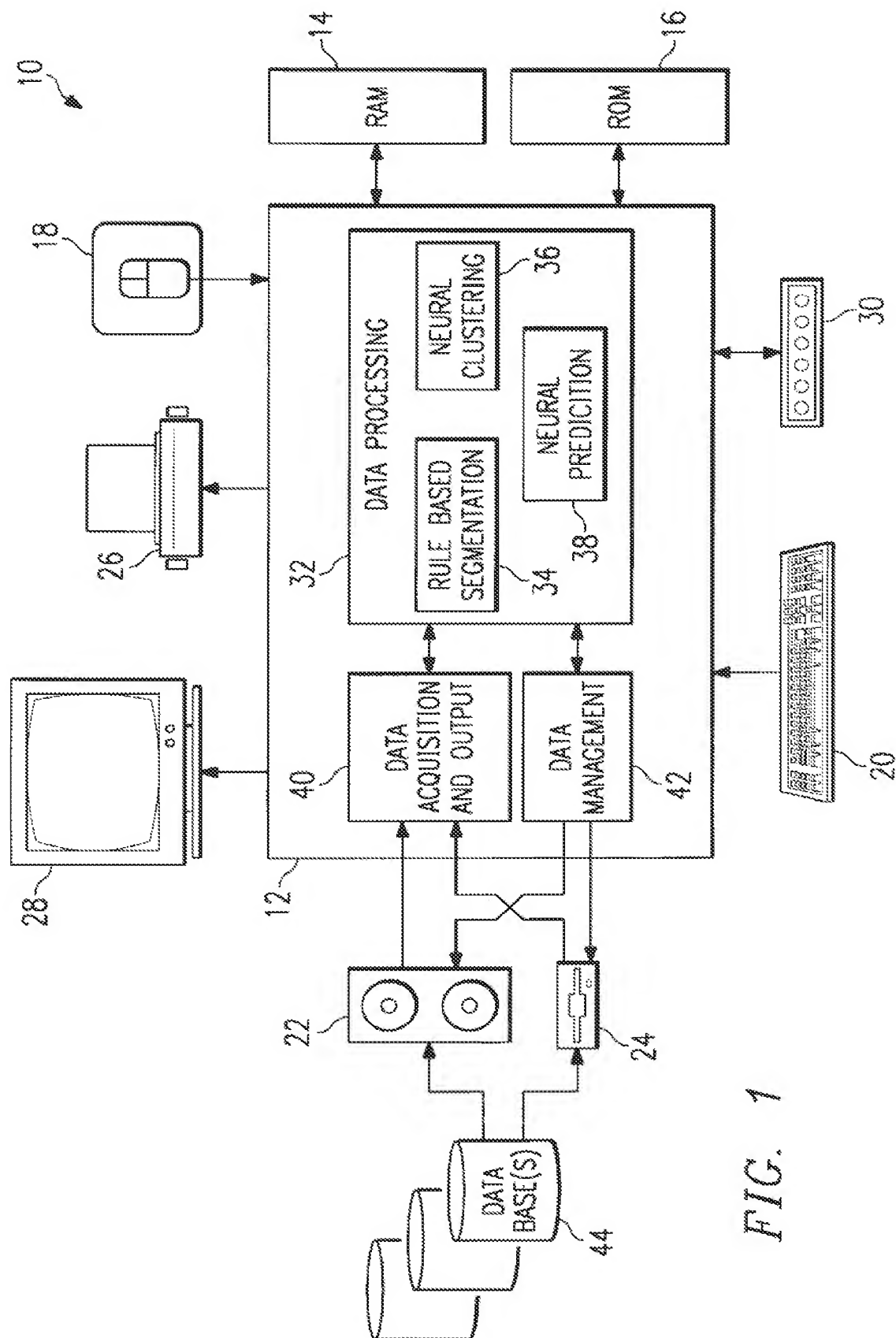


FIG. 1

The processor 12 supports a data processor 32 that uses a “data acquisition and output function 40 and data management function 42 to receive and manipulate data in performing data analysis. Such data is typically found in one or more database(s) 44 that may be stored on tape drive 22 or disk drive(s) 24. Data acquisition and output function 40 is responsible for receiving data from database(s) 44 and formatting the data for processing by data processor 32” (col. 4, lines 50-52, 54-62). The “data acquisition and output function 40 receives customer data in a flat ASCII format from database(s) 44 and converts it into a concise internal binary form for use by data processor 32” (col. 4, lines 62-66). The “[d]ata acquisition and output function 40 preferably includes a data dictionary function that allows for setting up and customizing parameter names for all of the parameters in a given database” (col. 4, line 66 – col. 5, line 2)

“[I]n using data analysis system 10 in FIG. 1, a input data set or file may be retrieved from database(s) 44 stored in tape drive 22 or disk drive(s) 24” (col. 6, lines 14-16). The “data acquisition and output function 40 of system 10 provides the necessary data input capability to convert raw data in database(s) 44 into a form that can be used by data processor 32” (col. 6, lines 16-21).

Acres describes a plurality of tracking systems. In these tracking systems, a player is issued a player identification card which has an encoded player identification number that uniquely identifies the player. The individual gaming devices are fitted with a card reader. The card reader reads the player identification number off the card and informs a central computer of the player's subsequent gaming activity. By tracking individual players, individual player usage can be monitored by associating certain of the audit data with the player identification numbers (paragraph 4).

None of the cited references describe or suggest identifying selected ones of a plurality of attributes that are received via a card reader and a player tracking server and that are shared by individuals in a further subset to define a promotional offering. This step is performed after a download of player tracking software by a player tracking unit from a player tracking server of a player tracking system. The downloading step is performed when the player tracking unit is powered on.

Dandurand and Sheppard do not describe a player tracking system. The Examiner, for instance, concedes that “Dandurand does not explicitly disclose a card reader or a card reader that can be used for player tracking activities and attributes” (Office Action, page 11).

More specifically, Dandurand, Sheppard, or Acres, considered alone or in combination, do not describe or suggest a computer-implemented method for analyzing data as recited in claim 1. For example, the references do not disclose “identifying further, by the central processing

unit, selected ones of the plurality of attributes that are received via the card reader and the player tracking server and that are shared by the individuals in the further subset to define a promotional offering in association with the identified further selected ones of the plurality of attributes shared by the individuals in the further subset, wherein said identifying further is performed after performance of said downloading”.

Rather, Dandurand describes generating a premium niche profile through a Las Vegas Visitor Profile Study. The profile includes a plurality of variables that include a gambling budget. Sheppard describes using a data acquisition and output functions and a data management function to receive data from a database wherein the data is manipulated to perform data analysis. Acres describes a player tracking system. The disclosure of the Las Vegas Profile Study, the performance of data acquisition and output functions by a data processor, and using a player tracking system do not teach the above-noted features, for instances, of claim 1.

Hence, for at least these reasons, claim 1 is allowable over the cited references.

For at least the same reasons set forth above, claims 18, 21, 24, and 27 are also allowable.

The various dependent claims include the limitations of the corresponding independent claims. Accordingly, dependent claims 2, 5-17, 19, 20, 22, 23, 25, 26, 28, and 29 are patentable over the cited art. Thus, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claims 1, 2, and 5-29 be withdrawn.

## **Conclusion**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,

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